

Annual report of Game and Fish Commissioners of the State of Montana.

Montana.

Helena, Mont. : State Pub. Co.

<http://hdl.handle.net/2027/uiug.30112117719523>

HathiTrust



www.hathitrust.org

Public Domain, Google-digitized

http://www.hathitrust.org/access_use#pd-google

We have determined this work to be in the public domain, meaning that it is not subject to copyright. Users are free to copy, use, and redistribute the work in part or in whole. It is possible that current copyright holders, heirs or the estate of the authors of individual portions of the work, such as illustrations or photographs, assert copyrights over these portions. Depending on the nature of subsequent use that is made, additional rights may need to be obtained independently of anything we can address. The digital images and OCR of this work were produced by Google, Inc. (indicated by a watermark on each page in the PageTurner). Google requests that the images and OCR not be re-hosted, redistributed or used commercially. The images are provided for educational, scholarly, non-commercial purposes.

639
M76
1899/1900

Montana-- game and
fish commissioners

— o —

Annual report



639
M76
1899/1900

Montana-- game and
fish commissioners

— o —

Annual report

39
62b
9/1900

THE LIBRARY
OF THE
UNIVERSITY OF ILLINOIS

Library

Annual Report

LIBRARY
OF THE
UNIVERSITY OF ILLINOIS. OF

Game and Fish Commissioners

OF THE

STATE OF MONTANA

DECEMBER 1, 1900

1901
STATE PUBLISHING CO.
STATE STATIONERS, PRINTERS AND BINDERS
HELENA, MONT.

Learning and Labor.
LIBRARY
OF THE
University of Illinois.

REMOTE BOOK. VOLUME.

639 M76 1900
pam.

Accession No.

Annual Report

LIBRARY OF THE
UNIVERSITY OF ILLINOIS.

Game and Fish Commissioners

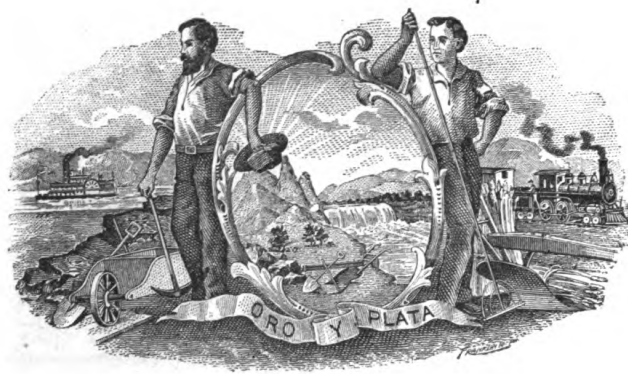
OF THE

STATE OF MONTANA

DECEMBER 1, 1900

1901
STATE PUBLISHING CO.
STATE STATIONERS, PRINTERS AND BINDERS
HELENA, MONT.

Original from
UNIVERSITY OF ILLINOIS AT
URBANA-CHAMPAIGN



639

M76.

1899/1200

REMOTE STORAGE

ANNUAL REPORT

OF

Game and Fish Commissioners

FOR THE YEAR 1900.

Montana - Secy of state

Hon. Robert B. Smith, Governor State of Montana.

We, the State Board of Game and Fish commissioners, beg to submit the following annual report of the work of the commission during the past year.

Since the last meeting of the Board one of our number, H. Percy Kennett of Victor, has passed away. The board at its session Dec. 3, passed the following resolutions:

Whereas; By an unfortunate accident one of our number, H. Percy Kennett, has been removed from our midst since our last meeting, and whereas, we acknowledge him as the ablest member of the Board whose counsels were always wise, and whose experience was extensive, therefore be it

Resolved, That we recognize the great loss to the cause of game protection occasioned by his death; that we shall miss his wise counsel and friendly aid; That we express to his bereaved family our heartfelt sympathy in their hour of sorrow.

M. J. ELROD, Chairman,

R. A. WAGNER, Secretary.

Request has been made to the United States Government to furnish 1,000 copies of the Lacey Act for distribution. The press of the state is requested to advertise the fact that by their passage of the Lacey bill by Congress, it is illegal, and becomes an offense against the United States government, to import game from a State when exportation is prohibited. Dealers can no longer hide under the subterfuge that game is imported. Few states permit the exportation of game,

Original from

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN

and buyers, dealers, sellers, and shippers of game will be held accountable by United States officers for all illegal traffic. The Board will make every effort to give publicity to this bill, and requests friends to the cause to send names of dealers, shippers, hotel keepers, cold storage men, restaurants, or others, to either the secretary R. A. Wagner, of Bozeman, or the chairman, M. J. Elrod, of Missoula, that copies of the Lacey act may be sent to them. The board gives due notice that they will vigorously enforce the law by every means in their power. The penalty for each offense is \$200, the seller, the shipper, buyer, or dealer, being separately held for the same offense.

Reports or bulletins relative to game animals, birds, and fish are to be prepared for the benefit of the public, and to encourage the people to study the nature and habits of animals. These reports to be prepared by specialists, approved by the board, and recommended for publication as state documents.

WORK OF THE PAST YEAR.

County commissioners in few cases have appointed wardens, the counties having wardens at the present time being as follows:

Silverbow, Gallatin, Lewis and Clarke, and Fergus, out of twenty-four counties.

The law implies that each county shall have a warden which would involve an expenditure on a reasonable basis of \$1,000 for each county, or a total of \$29,000 for the state. The total expenditure in the counties above named is not over \$3,300 per annum, the remainder of the state expends nothing. The past four years have proven conclusively that county commissioners have no interest in the protection of game, and this protection should no longer be left in their hands.

The state warden, R. A. Wagner, has given his time since appointment a year and a half ago to the cause, has received no compensation whatever, and has personally paid many of the bills. The work done by him has to a large extent been that which should have been done by county wardens. It is idle to expect this condition of affairs to continue. The want of funds has prevented both the board and the state wardens

from doing what they saw needed to be done, while loopholes in the law made much of the work performed, useless.

After consultation with the Superintendent of Forest Reserves in the state the board is of the opinion that its duties could be enlarged, and its value and importance to the people of the state much enhanced, by giving to the board the same care and preservation of the forests in the public domain. Wardens may easily combine the duties of protection of game and forests. To maintain two boards would be expensive. If the present board of game and fish is not large enough to carry on all the work the board may be enlarged, and called "The Board for Protection of Fish, Game and Forestry." This is an item of great and grave importance and should receive careful consideration.

The board cannot speak in too high terms of the services rendered the cause by the forest supervisors and rangers. Living, as they do, in remote places and in hunting regions, they have been instrumental in doing much for game protection, and are deserving of great credit for their service and interest. Each ranger has been appointed a deputy state warden.

One of the greatest problems in game protection is what to do with the Indian. His sense of right and justice cannot be appealed to, because his first instinct is to hunt. He has the right by treaty to hunt in common with the white man, governed by the same laws. The trouble is he hunts in bands, with dogs, in remote places, requiring several men to take a band of violaters. After careful consideration, from every standpoint, it is believed the best solution is to require permits to hunt, and thus put a check on Indian depredations. When Indians have to take out a permit to hunt, they can be more readily located, and must make their intentions known.

The following list of questions was sent every newspaper in the state during the late summer. The replies have been numerous, the opinions varied; but on many points there is great unanimity. The replies received have come from men in all callings. Many have given great attention to the matter, and the opinions are of great value in determining public sentiment concerning game and fish laws.

(QUESTIONS.)

1. Do you endorse the present game law as it stands?
2. If not, state your objection.
3. Do you believe in confining the killing of big game to males only?
4. If so, state your reasons.
5. Do you believe private individuals should be permitted to capture game animals for domestication and sale for parks without restraint or compensation to the state?
6. Do you believe that game animals, birds, or fish should be sold under any circumstances? Give your reasons.
7. Do you endorse the dates of the present open and close season?
8. If not, what changes do you suggest, with reasons?
9. Are you in favor of requiring residents to pay for permit to hunt?
10. Are you in favor of requiring non-residents to pay for a permit to hunt?
11. If not, what do you recommend to secure funds to pay wardens, remembering there has not been a dollar of appropriation yet.
12. Should guides be licensed and registered?
13. Should taxidermists be taxed?
14. Should taxidermists be required to make report of game mounted or brought in for mounting?
15. Should the state permit shipment of game out of the state, either with or without a tax, when killed legally?
16. What is the limit of game that should be allowed one individual in a season? Answer in detail.
17. How many game birds and pounds of fish should be the limit per man per day?
18. Would you put a limit to the bag one can make of ducks per day?
19. Are you in favor of spring shooting for ducks?
20. Are you in favor of a close season for trout or other fish? If so, state when.
21. What kind of game should be perpetually protected?
22. Do you favor protecting the antelope for a period of years?

23. What are the proper legal limitations of the size of trout allowed to be taken?

24. Are you in favor of one-half of the fine going to the informer? If not, what would you have done with the fine?

25. Are you in favor of establishing a State fish hatchery?

26. Whose business do you think it is to protect game? Is it a state or county affair.

27. Give in full your idea of game wardenship, how they should be appointed, how many, salaries they should have, and other ideas you may have.

28. What would be the result if game protection were placed in the hands of sheriffs and their deputies, and made a part of their duties. Respectfully,

MORTON J. ELROD,

Chairman State Board Game and Fish.

University of Montana, Sept. 15, 1900, Missoula, Mont

There are but very few endorsements of the present law. In regard to killing males only in big game, sentiment is divided, with the slight majority opposed to it. The principal objection is the difficulty in distinguishing one from the other in the field. Apparently no one is in favor of capturing game animals for sale or domestication without compensation to the state. The idea prevails that the state should receive a stated sum for every animal so taken.

The great majority is opposed to the sale of game animals, game birds, or game fish, under any circumstances, the consensus of opinion being that when sale is permitted it presents a stimulus for the pot hunter, for whom detection is all but impossible.

The present open season comes in for varied comment. For birds the season opens before they can fly. The sentiment is strong for a later date, very few approving the present date, which is August 15. For large game the large majority is in favor of closing the season Dec. 1, thus protecting the game during deep snow, when the slaughter is great.

In regard to the question of requiring a permit in order to hunt the sentiment is divided. Many are strenuously opposed to this, usually giving no reasons. Some are opposed to it, but offer no suggestions for raising revenue, or for protecting.

They demand protection, but suggest no ways for doing it, and oppose the method proposed. On the other hand, good, strong majority are in favor of requiring a permit of hunters. Those favoring this are people who have given the question much thought, and the reasons are that those who hunt should help protect the game, and it will be easier to locate law breakers, because the list of hunters is always accessible. It will also put a check on depredations by Indians.

The sentiment in favor of requiring non-residents to take out a permit to hunt is unanimous. Some put it high, the majority making it about double that required of residents. A large number favor a gun license. The majority are also in favor of licensing and registering guides.

Concerning taxidermists the question seems to be generally misunderstood. The idea was to have a taxidermist secure a permit to do his work the same as a hunter would be required to take out a permit to hunt. This would serve to locate all such persons, where much of the game killed by non-residents goes. Nearly all agree that taxidermists should be required to make report of game mounted or brought in for mounting.

Concerning shipment of game out of the state, one of the most vital points, there is a difference of opinion. Some maintain that when a man kills game in accordance with law he should have the privilege of shipping it. Others maintain that to permit shipment of game out of the state is to encourage illegal traffic, as to discriminate is impossible.

The limit of game that should be allowed by law receives special attention from each correspondent. Most of them are emphatic in their opinions, but the opinions are exceedingly variable. Very few agree to the present limit, most of them considering it, by far, too high.

The answers on limit of game birds are likewise varied. One writer thinks a man should be permitted to shoot all he is able to kill in a day. Another thinks about fifty the correct number. A few hold to the present number. The majority think it too high.

As to limit to catch of fish, some oppose any limit. "Catch all you can," is their motto. Some put the limit in pounds,

others in inches. One man thinks 50 pounds a day is about right. Others say, 20, 15 and even 10 pounds. One writer thinks no fish under nine inches should be taken; another thinks eight is about right; but the majority expressing it in length say none over five or six inches should be taken. One brilliant follower of Isaac Walton says any fish big enough to nibble should go into the skillet. But the sentiment is strongly in favor of a limit to the fish one may take.

Very few oppose a limit to the bag of ducks. Those opposing it do so on the ground that they are migratory, going north in summer where there is no protection, and south in winter where they claim there is no protection. Since they are ours only while they rest on their journey, knock them over as fast as possible before the other fellow gets a chance. Pop them day and night, for tomorrow they fly! The great majority say, "By all means put a limit on ducks." The man with such greed as to slaughter for the fun of it needs a tight check rein. For the sake of decency no man should kill more than he can use, for he cannot sell them, and those hunters who are not naturally decent should, by law, be compelled to be so. The bag of ducks is stated usually as about the same as for other birds.

Concerning spring shooting for ducks the sentiment is divided, but it is strongly opposed to it. No one gives any arguments in favor of it, and many arguments in favor of it, and many arguments are advanced against it. One is that the protected season is too short, and the birds do not have proper protection while rearing the young. Ducks are protected but four months in the year. Another argument is that when a man is out in the spring ostensibly shooting ducks he is pretty apt to shoot anything else he sees and call it a duck.

Concerning close season for trout, sentiment or opinion is about evenly divided, about as many holding the opinion for as against.

The following birds or animals are named by more than one person for perpetual protection. Buffalo, mountain sheep, mountain goat, quail, antelope, elk, moose, beaver, Chinese pheasant.

The answers relative to the protection of antelope for a period of years is decidedly in the affirmative.

Many correspondents failed to answer the question concerning the fine, whether one-half should go to the informer or not, but those who did so, answer, say it should. Some of the best informed men think this a very pernicious clause, appealing to the worse rather than to the better nature of men.

Almost unanimously the answers are in favor of a state fish hatchery.

The question concerning ownership of game was asked out of curiosity, to find out the opinions people hold. The courts have already ruled that it is the property of the people of the state.

It is impossible to give a summary of the opinions regarding wardens, their number, compensation, and appointment. To do so would be to quote from most of the letters.

The question in regard to making protection of game and fish a part of the duty of the sheriff and his deputies was asked out of curiosity to see what people thought. The majority of the replies show the writers are already acquainted with the situation. It is now one of the duties of the sheriff, but little protection from this source is received. The sheriff, has, already, as much as he can attend to, and to do this work would require his entire time, which it is impossible to expect.

The following extracts from letters, being only a few of the many received, tell forcibly the condition in different parts of the state.

From Maiden: "Without game wardens who are paid sufficient wages to enable them to give their whole time to the duties of looking after the game there may as well be no restrictions against the indiscriminate slaughter of game. * * Selling game and fish offers too great a temptation for human wolves to break the law. Any man who would refuse to pay, say \$3, for a permit should not be allowed to hunt."

—W. E. WILSON.

From Quartz: "What law there is to protect game in Montana is not adequate to the occasion. Sportsmen and citizens of the state do not take the interest they should in the protection of game."

—W. H. KELLEY.

From Helena: "Protect grouse, chickens, sage and fool hens absolutely for a period of not less than three (better five)

years. Forbid pot shooting. Do as in parts of the old country—give a bird a chance. We want no guides. In Wyoming it has been demonstrated that for any old tip hunters can do as they please. * * * Stick it to taxidermists so deep they will go out of the business. What use to any sanctuary is a last year's bird's nest or a ram's horn anyway? Kill all the ducks, you have none to go south, hence none to return in spring. The only way to protect is to protect."

—D. L. CARMICHEL.

From Butte: "The Lacey bill that passed the senate on April 18 last has saved 5,000 or more game birds in this city alone, for the city of Butte is a butcher shop on game birds. I am pleased to say there has not been a game bird offered for sale in our markets this fall."

—THOMAS CURTIS, County Warden.

From Lima: "I have counted 65 sage hens rotted in one pile in Sheep creek basin, and have seen piles of ducks rotted near Red Rock lake. I have seen grayling taken by the bucketful from irrigation ditches. I like to go out in season and catch a few fish."

—W. H. BOULE.

From Lewistown: "I know of one place in this county where they run thousands of trout out on the land every week (irrigating ditches) and feed them to the hogs, for they can use them no other way."

—W. G. RUNGLER.

From Butte: "For centuries the European countries have had game laws. The inhabitants of those countries coming to this country finding limited game protection purchase a gun and kill everything from a graybird to an eagle. We must follow the example of older nations."

—DR. F. CALDER.

From Great Falls: "Our present game law does not protect the game. Cinch the dynamiters, as I hear they have dynamited the stream just stocked by our gun club. Make the penalty so heavy that no one will take a chance."

—DR. J. C. B. BEVENS.

From Saco: "The law is a dead letter. It affords no protection. Game birds and deer are fast being exterminated in this country, as no one makes any secret of killing game birds at all times of the year and deer are hunted with dogs."

—L. H. MILLS.

From Adel: "The sale of meat is the cause, I think, of the destruction of more game and fish than any other—than all others combined. There are some who have no 'visible means of support' other than the rod and gun, and who use them the year round, even boast of the killing and catches they make. One said he killed 33 deer two years ago. Another, it is claimed, killed 100 last winter. Others have killed as many as 6 in one day and hunted all winter, regardless of numbers or seasons. Of course they find a market for most of it, and that is what is now thinning out all the game and fish."

—J. F. SWARBRICK.

From Sandusky: "Something should be done to stop the killing of deer on the Missouri river. The settlers kill at all seasons of the year, and I have known half-breeds to kill over 40 deer in one hunt and leave a large number to spoil, as they could not be hauled away."

—I. R. MORISSON

From Helmville: "I have lived here many seasons, in the heart of one of the best game sections of the state. I am not speaking from hearsay when I say that game is fast disappearing. At the rate it is now going in a few years there will be none."

—WILLIAM McGEE.

From Billings: "The Cree Indians last summer killed 75 head of antelope and deer on Crooked creek. What game laws we have on our statute books are ignored by 75 per cent of the people."

From Stevensville: "The elk is fast becoming extinct in this region, or being driven from Montana into Wyoming and Idaho. They come down from the high mountains or summer range to the hills and valleys or winter range. If they are met by an army of hunters in the late fall they will go back and down the other side of the mountain. The deep snows fall on the high mountains, they cannot come back and so are lost to us. The snow is not yet gone when they calve next spring. So we lose not only the band we beat back, but also their offspring. For this reason the closed season should be earlier."

—P. H. TOMLINSON.

From Silver Bow: "I have been in the state since 1865; have always hunted more or less, and it is shameful how most of

our big game has disappeared in that time. The mountain sheep were very plentiful then in most all ranges in the state. Now there are very, very few left. Antelope are the same. Some of our valleys were full of them; now they are about all gone. But a few days ago I was one of a party that made a trip over a section of country that in early days abounded in game, large and small. On this recent trip we did not find one living thing—they had all been killed and run out years ago. Like our buffalo, when our big game is all gone there will be a 'howl' made, but not until then.”

—T. CLAUS MILES,

Member of the Board of Sheep Commission.

The preceding pages serve to show the sad condition of affairs in the state. If ever a state needed protection for game, and needed it badly, Montana needs it now. Without immediate legislation nothing can be done, and it will be too late in many respects.

In the light of experience, after much thought and careful study, and in conformity so far as possible with the opinions of correspondents, the following recommendations for needed legislation are made.

RECOMMENDATIONS.

That the legislature of the state of Montana memorialize Congress for the establishment of a fishway in the river at Thompson Falls, and for the survey of the Northern and Western boundaries of the Park.

That the governor include in the sundry bill the sum of \$500 annually for the expenses of the board, such as car fare, postage, printing, etc.

That the duties of the board be enlarged so as to include the protection and preservation of the forests in the public domain.

That the appointment of county wardens be placed in the hands of the board rather than in the hands of county commissioners. That wardens and deputies appointed be free to work any place in the state, irrespective of county.

That annual appropriation of a sum not less than \$5,000 be made for the protection of forestry, fish and game.

That a state fish hatchery be established.

That fish ponds be registered with the board, and the term "pond" defined.

That seining in streams be placed under the jurisdiction of the board.

That the law regarding fines be so amended that one-half the fine shall go to the game and fish fund, the other half to the school fund of the county in which the offense is committed.

That the board be given authority to take game alive for parks, or import live game for similar purposes.

That no one be permitted to capture live birds or animals for sale or domestication except under sanction from the Board, and then only by payment to the state.

That it be illegal to ship any game out of the state except that killed by non-residents in accordance with law, and only than under restrictions.

That wardens have power to search for game without warrant.

That outfits, guns, ammunition and game of violaters taken in the act be confiscated.

That screens be placed in ditches, and before wheels in mills and power houses.

That coal be not washed nor slack or dust be placed in fish streams.

That a bounty be placed on mountain lions, lynx and cat.

That collecting be allowed for scientific purposes by such persons as are approved by the board, and who file with them a bond that they will act in good faith.

That antelope and goats be protected for five years.

That the moose be permanently protected.

The season for deer closes December 1.

That snipe, plover, and other shore birds, with doves, be put on the protected list.

That a limit be put on the bag of ducks and geese one may shoot, and that spring shooting be prohibited.

That the bird season, all birds, open September 1, and close December 15.

That it will be illegal to take any fish under six inches in length.

That residents or Indians be required to take out a permit to

hunt, said permit to be good for one year or one open season, to entitle holders to hunt any place in the state, the fees from said permits to go to game and fish fund.

That non-residents be required to take out permit similar to resident at higher rate.

That the taxidermist, and dealers in furs, be required to make report of animals mounted or skins treated or animals or skins brought in for mounting and treatment.

That a system of licensed guides be provided for.

All of which is respectfully submitted.

M. J. ELROD, Chairman,
C. A. WAGNER, Secretary.

Pressboard
Pamphlet
Binder
Gaylord Bros., Inc.
Makers
Syracuse, N. Y.
PAT JAN. 21, 1908

UNIVERSITY OF ILLINOIS-URBANA

3 0112 117719523